

Mississippi Secretary of State  
700 North Street P. O. Box 136, Jackson, MS 39205-0136

# ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME <u>Mississippi State Department of Health</u>		CONTACT PERSON <u>Mitchell Adcock</u>	TELEPHONE NUMBER <u>601-576-7847</u>	
ADDRESS <u>570 E. Woodrow Wilson</u>		CITY <u>Jackson</u>	STATE <u>MS</u>	ZIP <u>39215</u>
EMAIL <u>Bob.fagan@msdh.ms.g</u> <u>ov</u>	SUBMIT DATE <u>8/29/14</u>	Name or number of rule(s): <u>Individual On-site Wastewater Disposal System regulations</u> Title: <u>Mississippi State Department of Health</u> <u>Part 15: Division of On-site Wastewater</u> <u>Subpart 77: On-site Wastewater Regulations</u>		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Amend the regulation order  
Title: Mississippi State Department of Health Part 15: Div. of On-site Wastewater Subpart 77: On-site Wastewater in accordance  
with the Wastewater Advisory Council (WAC).

Specific legal authority authorizing the promulgation of rule: 41-67-3, MS Individual On-site Wastewater Disposal System law

List all rules repealed, amended, or suspended by the proposed rule: Individual On-site Wastewater Disposal System regulations

## ORAL PROCEEDING:

☒ An oral proceeding is scheduled for this rule on Date: October 3, 2014 Time: 9-9:30am Place: Osborne Auditorium – 570 E.  
Woodrow Wilson

☐ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.


## ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) <u>X</u> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <u>X</u> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Mitchell Adcock, Chief Administrative Officer

Signature of person authorized to file rules: *Mitchell Adcock*

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
Accepted for filing by	 Accepted for filing by <u><i>[Signature]</i></u> <u>#20746</u>	Accepted for filing by



DELBERT HOSEMAN  
*Secretary of State*

### CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

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EMAIL <u>Bob.fagan@msdh.ms.gov</u>	ZIP <u>39215</u>	
DESCRIPTIVE TITLE OF PROPOSED RULE <u>Title: Mississippi State Department of Health</u> <u>Part 15: Division of On-site Wastewater</u> <u>Subpart 77: On-site Wastewater Regulations</u>		
Specific Legal Authority Authorizing the promulgation of Rule: <u>41-67-3, MS Individual On-site Wastewater Disposal System law</u>	Reference to Rules repealed, amended or suspended by the Proposed Rule: <u>Individual On-site Wastewater Disposal System regulations</u>	

#### A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit:

Will provide clear and concise instructions as to how to design, install, operate and maintain an IOWDS.

General Public, Environmentalists, Certified Installers, Certified Manufacturers, Certified Pumpers, Realtors, Developers and Professional Engineers

2. Briefly describe the need for the proposed rule:

To align actual water usage with majority of other states, remove redundant components from having to be installed, provide a cost break to homeowner during routine maintenance.

3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:

Reducing the exposure of electrical connections to water sources, therefore eliminating a potential electrical shock to anyone inspecting the IOWDS

4. Estimated Cost of implementing proposed action:

- a. To the agency  
☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
- b. To other state or local government entities  
☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:

- a. Cost:  
☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive



b. Economic Benefit:

☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive

6. Estimated impact on small businesses:

☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

a. Estimate of the number of small businesses subject to the proposed regulation: 500+ (Known)

b. Projected costs for small businesses to comply: \$0 – 100

c. Statement of probable effect on impacted small businesses: Depends on Permit/Recommendation, system selected by Applicant, Certified Installers method of construction, and value of components utilized in installation

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than ☐ moderately less than ☒ minimally less than  
☐ the same as ☐ minimally more than ☐ moderately more than  
☐ substantially more than ☐ excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than ☐ moderately less than ☐ minimally less than  
☐ the same as ☒ minimally more than ☐ moderately more than  
☐ substantially more than ☐ excessively more than

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B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?

☐ yes ☒ no

2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)

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C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form. Best professional judgment, research of statutes and other states, and polling of Certified Installers, Certified Pumpers, Distributors, Certified Manufacturers and Wastewater Advisory Council

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D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? N/A (Oral proceeding is scheduled for October 3, 2014, 9 am, Alton B Cobb Auditorium, Osborne Building, 570 E Woodrow Wilson, Jackson, MS 39215)

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SIGNATURE

*Mitchell Adcock*

TITLE

Mitchell Adcock, Chief Administrative Officer

DATE

8/29/14

PROPOSED EFFECTIVE DATE OF RULE

30 days after filing